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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,489

Applicant(s)

HUNZINGER, JASON F.

Examiner

James K Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-27 and 51-54 is/are allowed.
- 6) ☒ Claim(s) 1, 13, 28 and 40 is/are rejected.
- 7) ☒ Claim(s) 2-12, 14-23, 29-39 and 41-50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-10</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 13, 28 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonta et al. (U.S. Patent Application Pub. No. 2001/0055969).

Regarding claim 1, Bonta discloses a method for synchronizing transmission of a rescue channel with mobile station (MS) attempts at receiving the rescue channel to increase a likelihood that the MS will receive the rescue channel and assist in rescuing a connection with a network. See paragraphs 3 and 12. The method comprises transmitting the rescue channel from base stations (BSs) at a time during a SUPER_ATTEMPT time interval, and configuring the MS to attempt to receive the rescue channel from the BSs during a SUB_ATTEMPT period. One SUB_ATTEMPT period is contained in one SUPER_ATTEMPT interval. See paragraph 29. The method also comprises coordinating the transmission of the rescue channel from the BSs with the MS configurations to increase the likelihood that the MS is configured to receive the

rescue channel from a particular BS at a time when the particular BS is transmitting the rescue channel. See paragraph 30.

Regarding claim 13, Bonta discloses a method for synchronizing transmission of a rescue channel with MS attempts at receiving the rescue channel to increase a likelihood that the MS will receive the rescue channel and assist in rescuing a connection with a network. The method comprises configuring the MS to attempt to receive the rescue channel from BSs in the network during a SUB_ATTEMPT period. One SUB_ATTEMPT period is contained in one SUPER_ATTEMPT time interval. See paragraph 29. The method also comprises coordinating the transmission of the rescue channel from the BSs with the MS configurations to increase the likelihood that the MS is configured to receive the rescue channel from a particular BS at a time when the particular BS is transmitting the rescue channel. See paragraph 30.

Regarding claim 28, Bonta discloses a system for enabling communications between a network and a MS (330) and for synchronizing transmission of a rescue channel with MS attempts at receiving the rescue channel when the MS has a connection with the network that has become a potentially failing connection. The system comprises a network. The network include BSs (310-315) and a network processor (260). See Figure 1. The network processor is programmed for transmitting a rescue channel from the BSs during a SUPER_ATTEMPT time interval. The system also comprises a MS communicatively coupled to the network and having a MS processor. The MS processor is programmed for configuring the MS to attempt to receive the rescue channel from the BSs during a SUB_ATTEMPT period. One

SUB_ATTEMPT period is contained in a SUPER_ATTEMPT time interval. See paragraph 29. The network and the MS coordinate the transmission of the rescue channel from the BSs with the MS configurations to increase the likelihood that the MS is configured to receive the rescue channel from a particular BS at a time when the particular BS is transmitting the rescue channel. See paragraph 30.

Regarding claim 40, Bonta discloses a mobile station (MS 330) for communicating with a network and for assisting in rescuing the MS when the MS has a connection with the network that has become a potentially failing connection. The MS comprises a MS processor programmed for configuring the MS to attempt to receive the rescue channel from BSs in the network during a SUB_ATTEMPT period. One SUB_ATTEMPT period is contained in one SUPER_ATTEMPT time interval. See paragraph 29. The MS processor is also programmed to coordinate the transmission of the rescue channel from the BSs with the MS configurations to increase the likelihood that the MS is configured to receive the rescue channel from a particular BS at a time when the particular BS is transmitting the rescue channel.

Allowable Subject Matter

3. Claims 2-12, 14-23, 29-39, and 41-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 24-27 and 51-54 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a method for synchronizing transmission of a rescue channel transmitted to a mobile station (MS) with MS attempts at receiving the rescue channel to increase a likelihood that the MS will receive the rescue channel and assist in rescuing a connection with a network having base stations (BS) capable of transmitting the rescue channel to the MS. The method comprises configuring the MS to attempt to receive the rescue channel from the BSs during each of one or more SUB_ATTEMPT periods.

Claims 2 and 14 identify the uniquely distinct feature "configuring the MS to attempt to receive the rescue channel from one BS at a time in a sequence during each of the one or more SUB_ATTEMPT periods, the sequence defined by MS ordering criteria based on MS probability values assigned to each of the BSs in the sequence."

Claims 5 and 16 identify the uniquely distinct feature "executing a first search tree within a first SUPER_ATTEMPT time interval, the execution of the first search tree comprising: configuring the MS during a first SUB_ATTEMPT period to attempt to receive the rescue channel from one or more BSs, and ... selectively reconfiguring the MS during a subsequent SUB_ATTEMPT period to attempt to receive the rescue channel from a modified set of BSs in accordance with the first search tree and results from a previous SUB_ATTEMPT period."

The closest prior art, Bonta et al., discloses a method for synchronizing transmission of a rescue channel transmitted to a mobile station (MS) with MS attempts at receiving the rescue channel to increase a likelihood that the MS will receive the rescue channel and assist in rescuing a connection with a network having base stations (BS) capable of transmitting the rescue channel to the MS. The method comprises configuring the MS to attempt to receive the rescue channel from the BSs during each of one or more SUB_ATTEMPT periods. However, Bonta fails to anticipate or render the above underlined limitations obvious.

The present invention is also directed to a method for assisting in synchronizing transmission of a rescue channel to increase a likelihood that a mobile station (MS) will receive the rescue channel and assist in rescuing a connection with a network. The MS is capable of receiving a rescue channel from one or more base stations (BSs) in the network for rescuing the connection.

Claim 24 identifies the uniquely distinct feature “transmitting the rescue channel from one or more BSs at a time in a sequence, the sequence defined by network ordering criteria based on network probability values assigned to each of the BSs in the sequence.”

The closest prior art, Bonta et al., discloses a method for assisting in synchronizing transmission of a rescue channel to increase a likelihood that a mobile station (MS) will receive the rescue channel and assist in rescuing a connection with a network. The MS is capable of receiving a rescue channel from one or more base stations (BSs) in the network for rescuing the connection. The method comprises

transmitting the rescue channels from BSs. However, Bonta fails to anticipate or render the above underlined limitations obvious.

The present invention is also directed to a system for enabling communications between a network and a mobile station (MS) and for synchronizing transmission of a rescue channel with MS attempts at receiving the rescue channel when the MS has a connection with the network that has become a potentially failing connection. The system comprises a network including one or more base stations (BSs), and a MS communicatively coupled to the network and having a MS processor.

Claim 29 identifies the uniquely distinct feature "the MS processor further programmed for configuring the MS to attempt to receive the rescue channel from one BS at a time in a sequence during each of the one or more SUB ATTEMPT periods, the sequence defined by MS ordering criteria based on MS probability values assigned to each of the BSs in the sequence."

Claim 32 identifies the uniquely distinct feature "the MS processor further programmed for executing a first search tree within a first SUPER ATTEMPT time interval, the execution of the first search tree comprising: configuring the MS during a first SUB ATTEMPT period to attempt to receive the rescue channel from one or more BSs, and ... selectively reconfiguring the MS during a subsequent SUB ATTEMPT period to attempt to receive the rescue channel from a modified set of BSs in accordance with the first search tree and results from a previous SUB ATTEMPT period."

The closest prior art, Bonta et al., discloses a system for enabling communications between a network and a mobile station (BS) and for synchronizing transmission of a rescue channel with MS attempts at receiving the rescue channel when the MS has a connection with the network that has become a potentially failing connection. The system comprises a network including one or more base stations (BSs), and a MS communicatively coupled to the network and having a MS processor. However, Bonta fails to anticipate or render the above underlined limitations obvious.

The present invention is also directed to a mobile station (MS) for communicating with a network and for assisting in rescuing the MS when the MS has a connection with the network that has become a potentially failing connection. The network includes one or more base stations (BSs), and the MS comprises a MS processor programmed for configuring the MS to attempt to receive the rescue channel from the BSs during each of one or more SUB_ATTEMPT periods.

Claim 41 identifies the uniquely distinct feature “the MS processor further programmed for configuring the MS to attempt to receive the rescue channel from one BS at a time in a sequence during each of the one or more SUB_ATTEMPT periods, the sequence defined by MS ordering criteria based on MS probability values assigned to each of the BSs in the sequence.”

Claim 43 identifies the uniquely distinct feature “the MS processor further programmed for executing a first search tree within a first SUPER_ATTEMPT time interval, the execution of the first search tree comprising: configuring the MS during a first SUB_ATTEMPT period to attempt to receive the rescue channel from one or more

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BSs, and ... selectively reconfiguring the MS during a subsequent SUB_ATTEMPT period to attempt to receive the rescue channel from a modified set of BSs in accordance with the first search tree and results from a previous SUB_ATTEMPT period."

The closest prior art, Bonta et al., discloses a mobile station (MS) for communicating with a network and for assisting in rescuing the MS when the MS has a connection with the network that has become a potentially failing connection. The network includes one or more base stations (BSs), and the MS comprises a MS processor programmed for configuring the MS to attempt to receive the rescue channel from the BSs during each of one or more SUB_ATTEMPT periods. However, Bonta fails to anticipate or render the above underlined limitations obvious.

The present invention is also directed to a system for enabling communications with a mobile station (MS) and for assisting in rescuing a MS having a connection with a network that has become a potentially failing connection. The MS is capable of receiving a rescue channel for rescuing the connection. The network including base stations (BSs) capable of transmitting the rescue channel during each of one or more SUPER_ATTEMPT time intervals.

Claim 51 identifies the uniquely distinct feature "a network processor for transmitting the rescue channel from one or more BSs at a time in a sequence, the sequence defined by network ordering criteria based on network probability values assigned to each of the BSs in the sequence."

The closest prior art, Bonta et al., discloses a system for enabling communications with a mobile station (MS) and for assisting in rescuing a MS having a connection with a network that has become a potentially failing connection. The MS is capable of receiving a rescue channel for rescuing the connection. The network including base stations (BSs) capable of transmitting the rescue channel during a SUPER_ATTEMPT time interval. However, Bonta fails to anticipate or render the above underlined limitations obvious.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

JKM

7/27/04

Lester G. Kincaid
7/29/04
LESTER G. KINCAID
PRIMARY EXAMINER